

Congress of the United States
Washington, DC 20515

The Honorable Thomas J. Vilsack
Secretary
United States Department of Agriculture
1400 Independence Ave. SW
Washington, DC 20250-1301

August 24, 2021

Re: RIN 0579-AC69 / Docket No. APHIS-2020-0101

Dear Secretary Vilsack,

We are pleased that the United States Department of Agriculture (USDA) recently released proposed rulemaking to lift the stay of implementation on a long-delayed requirement for contingency planning by facilities regulated under the Animal Welfare Act (AWA). The lack of this vital requirement continues to put animals at risk.

Animals in AWA-regulated facilities are at particular risk of serious harm or death during disasters. The severe winter weather and resulting power and water failures in Texas earlier this year showed again that animals are especially vulnerable to extreme weather. Zoos and other facilities in Texas hit hard by extended cold weather struggled to keep animals safe as entire communities were left without water and power for days. Since this rule was initially delayed by USDA, the United States has increasingly seen a higher number of – and more severe – natural disasters and extreme weather including intense heat waves, wildfires, hurricanes, floods, and drought. In addition, the risk of serious staffing shortages and other adverse effects from the COVID-19 pandemic necessitates preparation for disaster by AWA facilities.

As you may recall, Congress specified in the 2014 Farm Bill that it expected the USDA to lift the 2013 stay of implementation of this requirement “without delay” once the agency established a de minimis exemption to the AWA. The USDA finalized an exemption in June 2018 yet continued to delay implementation of the contingency rule. As Congress directed the USDA in the FY2021 Consolidated Appropriations Act (P.L. 116-260) to reconsider lifting the stay, we are encouraged to see the agency move forward with this rulemaking. Additional Congressional support for this requirement is evidenced by the PREPARED (Providing Responsible Emergency Plans for Animals at Risk of Emerging Disasters) Act, H.R. 1442, legislation which closely resembles this rule and has over 140 bipartisan cosponsors in the House of Representatives.

This commonsense requirement is not burdensome or onerous. As the USDA explained in its original 2012 finalized rule, “the actual amount of new costs incurred by regulated entities due solely to the identification of a need during the development of a contingency plan should not be significant.” In the 2021 proposed rule, the USDA states, “we assume an average of 1 to 2 hours is required to prepare and implement a contingency plan using the form and 1 hour for employee training in the first year.” As the agency notes, many facilities, such as those doing NIH-funded

research and those accredited by the Association for Assessment and Accreditation of Laboratory Animal Care (AAALAC) International or by the Association of Zoos and Aquariums (AZA), are already required to have disaster plans for their animals. This rule will ensure that puppy mills, roadside zoos, and other outliers also have plans in place.

Additionally, we encourage USDA to include in the new finalized rule requirements for licensees to document personnel training and to regularly submit their plans with USDA to ensure both compliance and implementation of the plans.

Thank you for your attention to this important issue. We urge the USDA to finalize this proposed rule without any additional delay.

Sincerely,

A handwritten signature in black ink, appearing to read "Dina Titus", enclosed within a rectangular border.

Dina Titus
Member of Congress

Alma S. Adams, Ph.D.
Member of Congress

Judy Chu
Member of Congress

Mike Doyle
Member of Congress

Pete Aguilar
Member of Congress

David N. Cicilline
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Adriano Espaillat
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Colin Allred
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